

REMARKS

In the Office Action mailed May 30, 2006, the Examiner alleges the claims pending in the instant application (e.g. claims 1 - 39) are subject to restriction necessitating an election to one of two (2) claim groups. Specifically, the Examiner has divided the claims into:

Group I Claims 1-24 and 32-39, drawn to an aptamer which binds specifically to a target involved in a disorder of the eye, classified in class 535, subclass 23.1, and,

Group II Claims 25-31, drawn to methods of treating a cell proliferation disorder of the eye by administering to a patient a therapeutically effective amount of an aptamer having binding specificity to a target involved in said disorder, classified in class 514, subclass 44.

With respect to Group I, the Examiner has required further restriction between groups (a) or (b)¹ and between groups (c) or (d)² as recited below:

- (a) one of the following targets: transforming growth factor, intracellular adhesion molecule-1, insulin-like growth factor-1, vascular endothelial growth factor, tumor necrosis factor alpha, and integrin alpha 5 and beta, *or*,
- (b) a specific combination of two or more molecules that are bound by a compound aptamer comprising binding sites for two or more molecules, e.g. TGF beta 2 and PDGF; *and* (if TGF, PDGF, or the combination of TGF and PDGF are elected)
- (c) a single aptamer selected from the group consisting of SEQ ID NOS: 1-30 and 39-150, or,
- (d) a molecule comprising more than one aptamer such as ARC 125 – ARC128

¹ Office Action mailed 05/30/2006, pp. 2-3.

² *Id.* at pp. 3-4.

With respect to Group II, the Examiner has required further restriction between the target set out in group (a)³ as recited below:

- (a) one of the following targets: transforming growth factor, intracellular adhesion molecule-1, insulin-like growth factor-1, vascular endothelial growth factor, tumor necrosis factor alpha, and integrin alpha 5 and beta.

Applicants elect, without traverse, Group I with a target of TGF β 2 in view of SEQ ID NO: 107 (ARC 238). In order to further business interests and without waiving the right to prosecute the claims as originally filed (or claims similar thereto) in subsequently filed application(s); the Applicants have amended claims in Group I, consistent with the options presented by the Examiner in the pending Restriction, and withdrawn the claims in Group II.

In view of this election, the Applicants note that, upon the allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claims will be entitled to examination in the instant application.

Moreover, given the Applicants have elected product claims, the Applicants note that should these product claims be found allowable; withdrawn process claim that depend from or otherwise include all the limitations of the allowable product claims must be rejoined in accordance with MPEP 821.04. In the event of rejoinder, the requirement for restriction between the product claims and the rejoined processes claims will be fully examined for patentability in accordance with 37 CFR 1.104.


³ *Id.* at p. 4.

CONCLUSION

On the basis of the foregoing amendments, Applicants respectfully submit that the pending claims are in condition for allowance. If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

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Ivor R. Elrifi, Reg. No. 39,529
Attorney for Applicants
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY and POPEO, P.C.
TELE: (617) 542-6000
FAX: (617) 542-2241
Customer No. 30623

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